IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1576 of 2007

(Baba Karu Jawalikar v. Union of India and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Shri A.C. Dharmadhikari, Advocate for Petitioner.

Coram : A.H. Joshi & R.C. Chavan, JJ.
Dated : 12th July, 2007

1. An attempt is made to persuade the Court with reference to clause (ii) of column No.12 of the attestation form, which reads as under :

> " If the answer to any of the above mentioned question is 'Yes' give full particulars of the case/arrest/detention/fine/conviction/sentence/punishment etc. and or the nature of the case pending in the Court/University/Educational Authority etc. at the time of filling-up this Attestation Form."

2. The learned Advocate for the petitioner tried to urge that the language of the form had misled the petitioner, and it led to carry an impression that the acquittal was the circumstanced which the petitioner was not required to report. In fact, the various options quoted in the second column of para 12, with no ambiguity, require that the

candidate will have to furnish the information notwithstanding the fate of the case, since even arrest is required to be reported.

3. Though the petitioner has tried to persuade us by applying a rational as is adopted by the learned Single Judge in a case of Madhya Pradesh High Court, reported in 2004(3) M.P.L.J. 428 (Laxmi Narayan Bajpai v. State of M.P. and others), however even that rational has no comparability. In that case, the employee had worked as a dailywager for 10 long years and thereafter he was required to fill in the form. This judgment, therefore, does not help the petitioner even for an alternate submission.

4. The ratio laid down by Hon'ble Apex Court in the case of Kendriya Vidyalaya Sangathan v. Ram Ratan Yadav, reported in AIR 2003 SC 1709, is that the candidate is required to furnish correct information in the attestation form in order to enable the State to verify his/her character and antecedents.

5. We find that the impugned order of the Tribunal does not call for any interference.

6. The petition is, therefore, dismissed.

JUDGE **JUDGE.**

Pdl.